

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/632,340
Confirmation No.: 3588
Filing Date: August 1, 2003
Examiner: Venkataraman Balasubramanian
Group Art Unit: 1624
Applicants: Cornelia J. Forster et al.
For: COMPOSITIONS USEFUL AS INHIBITORS OF GSK-3

October 29, 2007
Cambridge, Massachusetts

Mailstop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Dear Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242 ("VERTEX"), represents that it is the assignee of record of the entire right, title and interest of the patent applications and patents identified below by virtue of the following:

United States patent application Serial No. 10/632,340 (hereinafter "the '340 application"), for "COMPOSITIONS USEFUL AS INHIBITORS OF GSK-3", was filed on August 1, 2003. A related application, Serial No. 09/955,601 (now United States Patent 6,696,452; hereinafter "the '452 patent"), was filed on September 14, 2001.

An assignment of the entire right, title and interest in and to the subject matter of the '340 application, filed on August 1, 2003, was recorded in the United States Patent and Trademark Office on April 14, 2004 at Reel/Frame 014517/0735.

An assignment of the entire right, title and interest in and to the subject matter of the '452 patent, filed on September 14, 2001, was recorded in the United States Patent and Trademark Office on August 11, 2003 at Reel/Frame 013865/0154.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '340 application which would extend beyond the expiration date of the '452 patent.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '340 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '452 patent, this agreement to run with any patent granted on the '340 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '340 application prior to the full statutory term of the '452 patent, in the event that the '452 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The above-identified assignment document has been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '452 patent and to the '340 application is in assignee.

Respectfully submitted,



Michael C. Badia, Reg. No. 51,424
Agent for Applicants

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